

REMARKS

This communication is submitted in response to the Office Action of August 20, 2003.

Claims 1-43 are pending in the subject application with claims 1, 20-22 and 29 being amended herewith. Claims 2, 3, 7-19, 23-28 and 34-43 stand allowed by the Examiner.

The amendments to claims to 1, 20-22 and 29 are clearly supported by the specification as originally filed and do not introduce any new matter.

Reconsideration of the subject application is respectfully requested in view of the foregoing amendments and the following remarks.

The rejections of claims 1, 4-6 and 20-22 as being unpatentable over Nesbitt in view of Pierre and the rejection of claims of 29-33 as being unpatentable over Nesbitt are respectfully traversed for the following reasons.

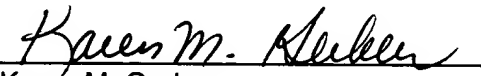
Independent claim 1 requires “ a shaping member for removable securement on the window structure and defining a cavity over the glass pane; and a fluidic material for being introduced in said cavity, said fluidic material being capable of solidifying within said cavity into a body of compressible material providing protection for the glass pane.” The Examiner expressly acknowledges in the Office Action that neither Nesbitt nor Pierre discloses a fluidic material for being supplied to a cavity of a shaping member (Office Action, page 2, section 1, lines 14-16). In contrast, claim 1 requires a fluidic material for being introduced in the cavity of the shaping member and requires the fluidic material to be capable of solidifying within the cavity into a body of compressible material. The fluidic material may be of various viscosities ranging from free-flowing to very thick, and solidification may be accomplished by curing including polymerizing and/or drying of the fluidic material. Since neither Nesbitt nor Pierre teach or suggest a fluidic material as characterized in claim 1, independent claim 1 cannot be considered obvious over Nesbitt in view of Pierre. Accordingly, independent claim 1 is submitted to be clearly patentable over Nesbitt in view of Pierre and should be allowed along with dependent claims 20-22.

Independent claim 29 recites “a window structure having a glass pane mounted in a

frame; and a compressible structure removably secured on said window structure and including a panel of solidified compressible foam material disposed over the exterior of said glass pane with said panel having a thickness extending perpendicular to said glass pane, said thickness being compressible and said compressible material having a compression strength in the range of 15 to 40 psi to protect said glass pane from damage due to storms." Nesbitt does not relate to protecting a glass pane from damage due to storms but, rather, the teachings of Nesbitt are limited to thermal insulation for a window. Accordingly, compression strength for the insulating material disclosed by Nesbitt is not an issue and no particular compression strength is in fact disclosed by Nesbitt. Claim 29 requires a particular compression strength which cannot properly be inferred from Nesbitt due to the entirely different objective sought to be accomplished by Nesbitt. Accordingly independent claim 29 is submitted to be clearly patentable over Nesbitt and should be allowed along with dependent claims 30-33.

In light of the foregoing, all of the claims in the subject application are submitted to be in condition for allowance. Action in conformance therewith is courteously solicited. Should any issues in the subject application remain unresolved, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,


Karen M. Gerken
Registration No. 31,161

EPSTEIN & GERKEN
1901 Research Boulevard, Suite 340
Rockville, Maryland 20850

Hand-Delivered: 11-20-03